

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

No. 18-CR-03989 WJ

vs.

ALLISTER QUINTANA,

Defendant.

DEFENDANT'S FIFTH UNOPPOSED MOTION TO EXTEND DEADLINES

Defendant Allister Quintana, through his attorney, Ray Twohig, moves that deadlines for counsel to file sentencing memoranda be extended and that the sentencing hearing be vacated and rescheduled. The grounds are as follows.

1. Several sentencing dates have been set, then modified. The current sentencing date is February 1, 2021.
2. At the time of the court's orders rescheduling this matter, the Court set deadlines for counsel's submissions. Those deadlines have not been able to be met because the report of Dr. Christine Johnson, Ph.D has been delayed. She had earlier intended to complete her report on November 11, 2020. She encountered substantial difficulty in completing the report by that date.
3. Dr. Johnson worked diligently on the evaluation despite being unable to meet personally with Mr. Quintana at the McKinley County Detention Center, where he remains incarcerated, due to exclusion of visitors as a result of the Covid 19 pandemic. She has been able to obtain the cooperation of staff at the detention

center to allow online Zoom meetings with Mr. Quintana, of which there have been eight (8), which took place on June 3, 2020, June 19, 2020, July 9, 2020, August 7, 2020, August 14, 2020, August 28, 2020, October 8, 2020 and October 12, 2020 as reported by Dr. Johnson. These online meetings have not been ideal, since they hamper and complicate psychological testing. Dr. Johnson has nonetheless completed her report and provided it to undersigned counsel on December 9, 2020. It is forty (40) single spaced pages in length. In addition to records from discovery and from court pleadings, she was able to rely on the social history report of Private Investigator Eda Gordon which is 30 pages in length with 23 numbered exhibits, as well as subpoenaed school and court records which were obtained late in the discovery process and then made available to her.

4. Dr. Johnson's report is very detailed. Test results have been of limited value due to the difficulty in administering psychological tests over Zoom in the circumstances, since sound problems have made understanding responses especially difficult. Counsel now has to complete his sentencing memorandum, and has the same kinds of difficulties with the Zoom meeting process because of the acoustics and equipment available at the Detention Center. The mails are being utilized to send documents back and forth to Mr. Quintana, but the mails are particularly slow at this time and delays have been encountered.
5. Defense counsel seeks an extension from the current deadline of December 15, 2020 to December 30, 2020 to complete his sentencing memorandum. Issues which have arisen from the report of Dr. Johnson require further exploration, which will be more time consuming than had been thought. The logistics of

communication with Mr. Quintana and some witnesses add to the complexity of the process, as do some issues requiring further research. If the deadline for counsel's sentencing memorandum is extended to December 30, 2020, the Government can complete its response by January 13, 2021.

6. Extension of the deadlines is requested as well as rescheduling the sentencing in this matter.

Assistant United States Attorney Joseph Spindle does not oppose this motion.

Respectfully submitted,

/s/ Ray Twohig

Ray Twohig
Attorney for Defendant
8998 Rio Grande Blvd., N.W.
Albuquerque, NM 87114
Phone: 505/898-0400

I hereby certify that on the 15th day of December, 2020, I filed the foregoing electronically through the CM/ECF system, which caused all parties and counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Ray Twohig

Ray Twohig

